

ERNEST H. MCDANIEL,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,


Defendant.

For the reasons set forth in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Memorandum & Recommendation is **ACCEPTED**, Plaintiff's Motions for Summary Judgment and receipt of New and Material Evidence are **DENIED**; the Defendant's Motion for Summary Judgment is **GRANTED**; and the Commissioner's decision is hereby **AFFIRMED**. This case is hereby

DISMISSED WITH PREJUDICE.

Signed: August 12, 2010


Martin Reidinger
United States District Judge